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10/821,147	04/08/2004	Gregory Richard Hintermeister	ROC920030375US1	8969
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			EXAMINER	
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			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,147

Applicant(s)

HINTERMEISTER, GREGORY
RICHARD

Examiner

Adam Levine

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-14 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-14 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 9, 2007, has been entered.

Applicant's amendments and remarks filed October 9, 2007, are responsive to the office action mailed July 6, 2007. Independent claims 1,5,9,13, and 17 are amended, along with dependent claims 10-12. Claims 7-8 and 15-16 were previously canceled. Claims 1-6,9-14, and 17-20 are therefore pending and considered in this office action.

Response to Amendment

Pertaining to claim rejections under 35 USC §101 in the previous office action

Claims 9-12 were rejected in the previous office action because the claimed invention was directed to non-statutory subject matter. Applicant has adequately amended those claims to overcome the rejection.

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Response to Arguments

Pertaining to claim rejections under 35 USC §102 in the previous office action

Applicant's arguments filed October 9, 2007, have been fully considered but they are not persuasive. The independent claims have been amended so that they are now directed at determining a problem that comprises the status of one of a plurality of jobs, rather than just the status of a job, and finding an on-demand task from a list of a plurality of on-demand tasks and associated problems that addresses the problem that comprises the status of a job, rather than finding an on-demand task that addresses the problem that comprises the status of a job. This is still extremely broad. Applicant cites certain extremely small, and apparently arbitrary sections of the prior art for the proposition that the claim elements are not disclosed in said prior art, however, the cited portions are not relevant to determining the presence of the elements elsewhere in the prior art disclosure, and certainly do not preclude the presence of the elements. Although the obviousness analysis is unnecessary in this case, it is also noted that mere duplication of parts involves only routine skill in the art.

Claim Objections

1. **Claim 17 is objected to because of the following informalities:** The preamble should likely read, "A computer configured to perform the method comprising" rather than its current phrasing. The current phrasing is, apparently inadvertently, directed at a method of configuring a computer, rather than the actual method being claimed. Appropriate correction is required.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-6,9-14, and 17-20 are rejected under 35 U.S.C. 102(b) as being rejected by Teper (Paper # 20061103; US Patent No. 5,815,665).**

Teper teaches all the limitations of claims 1-6,9-14, and 17-20. For example, with regard to method claims 1-4 and 17-20, Teper teaches a method for brokering tasks that comprises providing appropriate tasks to users, with said tasks meeting the needs presented by specific contexts and problems. Teper further discloses:

- monitoring status of a plurality of jobs in a computer system: (see at least figs.2-4, column 1 lines 24-40,54-65; column 7 lines 1-16, column 8 lines 35-45, column 9 lines 25-37, column 11 lines 46-65, column 17 line 64 – column 18 line 16);
- determining a first problem from a context: first problem comprises the status of one of the plurality of jobs in the computer system (see at least figs.2-3, column 1 lines 13-40, column 3 lines 5-18, column 8 line 63-column 9 line 37, column 10 line 44-column 11 line 45. Please note: for example, the authentication process is a job, the various stages and levels of authentication the status of the job. The responses available to authentication requests are examples of on-demand tasks in this context. There are many additional services available within the prior art

that would also involve jobs, tasks, and various statuses of jobs in various stages of process).

- finding an on-demand task associated with the first problem: on-demand task addresses the first problem, and is more helpful than a current task (see at least figs.2-3, column 3 lines 5-18, column 8 lines 7-19, line 63-column 9 line 49; column 10 line 44-column 11 line 45, column 12 line 14-29), finding comprises searching a list of a plurality of on-demand tasks and a plurality of associated respective problems that each of the plurality of on-demand tasks addresses and determining that the first problem is found in the list (see at least abstract, fig.4, column 1 lines 13-23,66-column 2 line 17; column 3 lines 5-18, column 5 lines 16-67, column 7 lines 17-28, column 13 line 62 – column 14 line 12);
- presenting a notification of the availability of the on-demand task: displaying an icon indicating that the on-demand task is available (see at least figs.2-4, column 3 lines 58-64, column 4 lines 15-27, column 9 lines 38-49. Please note: The displayed notification is the functional element. The image used, whether it is an icon, symbol, word, or other form, is descriptive material and is not functionally involved in the recited steps of the method. Because it has no functional role in the method it is non-functional descriptive material. This descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381 , 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106).

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- passing the context to the on-demand task: in response to a selection of the icon (see at least abstract, figs.2,6; column 3 line 65-column 4 line 14, column 9 lines 38-49, column 18 line 39 – column 19 line 10. Please note: see above with regard to the nonfunctional descriptive nature of the icon. The functional element here (or the method step) is interpreted as the means for choosing or choice of the displayed notification corresponding with the on-demand task.)
- determining whether a use of the on-demand task is available: (see at least abstract, figs.2-6, column 3 lines 58-column 4 line 14; column 9 lines 38-49).
- determining whether a user is authorized to use the on-demand task: (see at least abstract, figs.2-3,6; column 2 lines 31-48, 57-column 3 line 30; column 9 line 61-column 10 line 29); whether a user is authorized to purchase a use of the on-demand task (see at least abstract, figs.2,4-5; column 1 lines 41-49)
- processing a purchase of a use of the on-demand task: (see at least abstract, figs.2,4-5; column 1 lines 41-49).
- a processor, memory encoded with instructions (see at least abstract, fig.4, column 1 lines 13-23, column 2 lines 57-67, column 5 lines 26-32, column 26 lines 40-46 (claim 45)).

Pertaining to apparatus and system claims 5-6 and 13-14, respectively

Rejection of claims 5-6 and 13-14 is based on the same rationale as noted above.

Pertaining to computer-readable storage medium claims 9-12

Rejection of claims 9-12 is based on the same rationale as noted above.

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Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571.272.6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adam Levine
Patent Examiner
December 25, 2007


MATTHEW S. GART
PRIMARY EXAMINER
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